

Appl. No. 10/092,427
Amendment dated: October 22, 2003
Reply to OA of: July 29, 2003

REMARKS

Applicants have amended the claims in order to more particularly define the invention taking into consideration the outstanding Official Action. Claims 1-9 have been amended to correct the grammatical and idiomatic errors as noted by the Examiner in the Official Action. The Examiner's thorough and helpful comments are very much appreciated and Applicants have adopted the Examiner's proposal for amending the claims. It is believed that these amendments are fully supported by the specification, which includes the claims as originally filed and overcome all of the outstanding rejections. Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 USC 112 and are clearly patentable over the references of record.

The rejection of claims 1, 3-5 and 9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been carefully considered but is most respectfully traversed in view of the amendments to the claims. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 1, 2 and 4-7 under 35 U.S.C. §103(a) as being unpatentable over Friend in view of Yamaguchi et al. has been carefully considered but is most respectfully traversed.

Applicants wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP § 2143. This section states that to establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

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The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants also most respectfully direct the Examiner's attention to MPEP § 2144.08 (page 2100-114) wherein it is stated that Office personnel should consider all rebuttal argument and evidence present by applicant and the citation of In re Soni for error in not considering evidence presented in the specification.

As would be appreciated by one of ordinary skill in the art to which the invention pertains, common positive photoresist comprises phenolic and pac, without properties of heat hardening. Thus the insulator film on the OLED cannot be cleaned by the solution of an alkali-cleaning agent without it will affecting the luminous efficiency of the OLED. It cannot be used, and it result the heat harden positive photoresist is rare.

In the '212 Friend reference, a positive photoresist is disclosed but it does not disclose what kind of positive photoresist and its composition. In the '889 reference (see col. 2, lines 21-25), it disclosed the positive photoresist comprised of phenolic and pac; and (see col. 5, lines 51-61) it disclosed the cross-linking agent added on to the heat harden resin and the negative photoresist; (see col. 9, lines 60, 65 and col. 10, lines 1-10) the positive photoresist in the table does not added with heat harden agent.

The presently claimed invention is about an insulator film on OLED, which is photoresist heat, harden, and is different from common positive photoresist of the prior art. It has a self-reflow angle of inclination function. It is different from the cited references and is clearly novel and unobvious from the teachings of these reference. There is no motivation to combine the teachings of these references to arrive at the

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presently claimed invention, absent Applicants' teaching which cannot be used as a teaching reference. In re Fritch, 23 USPQ 1780, 1784(Fed Cir. 1992) ("It is impermissible to engage in hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps."). Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 3, 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Friend in view of Yamaguchi et al. and further in view of Szmanda et al. has been carefully considered but is most respectfully traversed in view of the above noted comments. The teachings of the Szmanda et al reference does not overcome the teachings of the primary references for the reasons discussed above. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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